IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2012 OF 2005

Gajanan @ Bhavadya Devidas
Khatake and others ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr.M.S. Mohite, for the Applicants.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

30th March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the offence in question is serious one. However, it is seen that there is group rivalry between the parties. While considering the bail application of accused No.1, I have accepted the plea of that accused that he has been falsely named, even though he was not

present at the scene of offence at the relevant time and was in hospital. In other words, tendency is seen to implicate as many persons from the rival group. Moreover, except the version of the complainant, the evidence of other witnesses will be of no avail for the simple reason that those witnesses have not identified the Applicants. Besides, no specific role has been given to particular accused having assaulted the complainant, whereas the case of the complainant is that all of them assaulted the complainant together. Besides, investigation is complete and charge sheet has been filed. Taking overall view of the matter, the Applicants deserve to be released on bail but on following conditions.

(A) Applicants are directed to be released on bail in connection with CR.No.7/2005 registered at Tembhurni Police Station, District Solapur, on executing personal bond in the sum of Rs.10,000/- (Rupees Ten thousand only) with two local sureties in the like amount.

(B) Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicants shall report to the investigating officer once in a month on first Saturday of every English calendar month. This condition is necessary so that the activities of the Applicants are under survillence of the concerned police in view of the group rivalries between the parties.

(D) Applicants shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicants are in any manner responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above

terms.

(A.M.KHANWILKAR,J.)